

immigration appropriations.*† (Sec. 35, 39 Stat. 896, 41 Stat. 1082, sec. 20, 43 Stat. 164; 8 U.S.C. 167, 169, 170; E.O. 7797, Jan. 26, 1938, 3 F.R. 216) [7-J-4]

7.42 Disabled seamen; conditions for passing in transit; immigration officials to confer with appropriate officers. A disabled alien seamen, who nevertheless does not intend to relinquish his calling, but whom the master of the vessel is obliged under the navigation laws of the country to which the vessel belongs to return to the country where he embarked, may, under such regulations as the officer in charge deems proper to carry out the purposes of this section, pass through the United States in transit to such country by the most expeditious and direct route. Where he is suffering from a loathsome, contagious, or dangerous contagious disease, or with tuberculosis in any form, or from a mental disability, or is in such physical or mental condition as to render him a person likely to become a public charge, the master must make arrangements for his proper care while in transit and furnish a sum of money sufficient to defray the expenses thereof. These provisions are made in the interest of trade and because of the peculiar position occupied by seamen under principles of international comity; and in all cases to which they apply the immigration officials shall confer not only with the master but with the consular representative of the country to which the vessel belongs.*† (Sec. 19, 43 Stat. 164, sec. 3, 43 Stat. 154, 47 Stat. 524; 8 U.S.C. 166, 203, 215) [7-K-1]

7.43 Afflicted seamen; expense of telegrams concerning. All telegrams sent in behalf of masters, agents, owners, consignees, or guarantors in respect of "afflicted seamen" or aliens suspected of being "afflicted seamen" shall, whenever practicable, be at the expense of the responsible master, agent, owner, consignee, or guarantor.*† (Sec. 35, 39 Stat. 896, 41 Stat. 1082; 8 U.S.C. 169, 170) [7-L-1]

PART 8—LABORERS FROM COUNTRIES GRANTING LIMITED PASSPORTS

Sec.	Sec.
8.1 Regulations governing alien laborers prescribed by Executive Order 1712, Feb. 24, 1913.	8.4 Absence of passport of certain laborers; presumptions.
8.2 Effect of Executive Order No. 1712.	8.5 Passports of certain laborers; indorsement.
8.3 When certain laborers admitted; proof required.	8.6 Excluded laborers; appeal.

Section 8.1 Regulations governing alien laborers prescribed by Executive Order 1712, Feb. 24, 1913. The President's Executive Order on this subject, issued February 24, 1913, reads as follows:

Whereas by the Act entitled "An act to regulate the immigration of aliens into the United States" approved February 20, 1907, whenever the President is satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone, are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor

*†For statutory and source citations, see note to § 7.1.

conditions therein, it is made the duty of the President to refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such country or from such insular possession or from the Canal Zone; and

Whereas, upon sufficient evidence produced before me by the Department of Commerce and Labor, I am satisfied that passports issued by certain foreign governments to their citizens or subjects who are laborers, skilled or unskilled, to proceed to countries or places other than the continental territory of the United States, are being used for the purpose of enabling the holders thereof to come to the continental territory of the United States to the detriment of labor conditions therein;

I hereby order that such alien laborers, skilled or unskilled, be refused permission to enter the continental territory of the United States.

It is further ordered that the Secretary of Commerce and Labor be, and he hereby is, directed to take, through the Bureau of Immigration and Naturalization, such measures and to make and enforce such rules and regulations as may be necessary to carry this order into effect.

*+[8-A-1]

*§§ 8.1 to 8.6, inclusive, issued under the authority contained in sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 162; 8 U.S.C. 102, 222. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

†The source of §§ 8.1 to 8.6, inclusive, is Immigration rules and regulations, I&NS, Jan. 1, 1930, edition of Dec. 31, 1936.

8.2 Effect of Executive Order No. 1712. The Executive Order requires that laborers, skilled or unskilled, who are citizens of a country which grants to its laborers proceeding abroad limited labor passports only, and who present at a continental port a passport entitling them only to admission to countries or places other than continental United States, shall be rejected. It does not in any particular relieve such aliens from examination under the general provisions of the law.*† (Sec. 3, 39 Stat. 875; 8 U.S.C. 136 (h); E.O. 1712, Feb. 24, 1913) [8-B-1]

8.3 When certain laborers admitted; proof required. If a laborer described in §§ 8.1, 8.2 applies for admission and presents a passport entitling him to enter continental United States, or not limited to some country or place other than continental United States, he shall be admitted, unless he belongs to one of the classes excluded by the general provisions of the law. If he presents such a limited passport, but claims that he is not a laborer, satisfactory proof of such claim shall be required.*† (E.O. 1712, Feb. 24, 1913) [8-C-1]

8.4 Absence of passport of certain laborers; presumptions. If a laborer described in §§ 8.1, 8.2 applies for admission and presents no passport, it shall be presumed (a) that when he departed from his own country he did not possess a passport entitling him to come to continental United States, and (b) that at that time he did possess a passport limited to some country or place other than continental United States.*† (Sec. 3, 39 Stat. 875; 8 U.S.C. 136 (h); E.O. 1712, Feb. 24, 1913) [8-C-2]

8.5 Passports of certain laborers; indorsement. Passports presented by aliens covered by § 8.3 shall be plainly indorsed, in

*†For statutory and source citations, see note to § 8.1.

indelible ink, in such a manner as to show the fact and date of admission or rejection. The passport shall be returned to the presenter.*† (Sec. 3, 39 Stat. 875; 8 U.S.C. 136 (h); E.O. 1712, Feb. 24, 1913) [8-D-1]

8.6 Excluded laborers; appeal. All laborers excluded under §§ 8.1-8.5 shall be advised not only of their right of appeal, where one lies, but also that they may communicate by telegraph or otherwise with any diplomatic or consular officer of their government, and they shall be afforded opportunity for doing so.*† (Secs. 3, 17, 39 Stat. 875, 887; 8 U.S.C. 136 (h), 153; E.O. 1712, Feb. 24, 1913) [8-E-1]

PART 9—ALIEN CONTRACT LABORERS

Sec.	Sec.
9.1 Contract laborers defined.	9.6 Decision on application to import skilled labor; notice of; procedure thereafter.
9.2 Exemptions of certain aliens from contract labor definitions.	9.7 "Student laborers"; procedure for importing.
9.3 Bonds for alien musician admitted temporarily.	9.8 Exhibitors and holders of concessions and their employees; exemption.
9.4 Application to import skilled labor; requirements.	
9.5 Application to import skilled labor; procedure.	

Section 9.1 Contract laborers defined. Contract laborers are aliens "who have been induced, assisted, encouraged, or solicited to migrate to this country by offers or promises of employment, whether such offers or promises are true or false, or in consequence of agreements, oral, written, or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled", or "persons who have come in consequence of advertisements for laborers, printed, published, or distributed in a foreign country".**†† (Sec. 3, 39 Stat. 875; 8 U.S.C. 136 (h)) [9-A-1]

**§§ 9.1 to 9.8, inclusive, issued under the authority contained in sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 162; 8 U.S.C. 102, 222. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

††The source of §§ 9.1 to 9.8, inclusive, is Immigration rules and regulations, I&NS, Jan. 1, 1930, edition of Dec. 31, 1936.

9.2 Exemptions of certain aliens from contract-labor; definitions. Aliens falling within the purview of § 9.1 may be admitted to the United States, upon presenting satisfactory evidence that they are—

(a) Professional actors or artists: Provided, That an instrumental musician to be classified as an actor or artist must establish that he is (1) of distinguished merit and ability as an instrumental musician or is a member of a musical organization of distinguished merit and is applying for admission as such, and (2) his professional engagements (or, if the exemption is claimed on account of membership in an organization, the professional engagements of such organization, within the United States are of a character requiring superior talent);